Environmental Site Assessment

May 2009, Revised October 2009

National Estuarine Research Reserve (NERR) Bay Education Center Rockport, Texas

Prepared for:

Office of Ocean and Coastal Resource Management
National Ocean Service National Oceanic and Atmospheric Administration
U.S. Department of Commerce

Prepared by:

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Environmental Assessment:
Rockport, Texas

Proposed Bay Education Center
May 2009, Revised October 2009

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1.0 INTRODUCTION

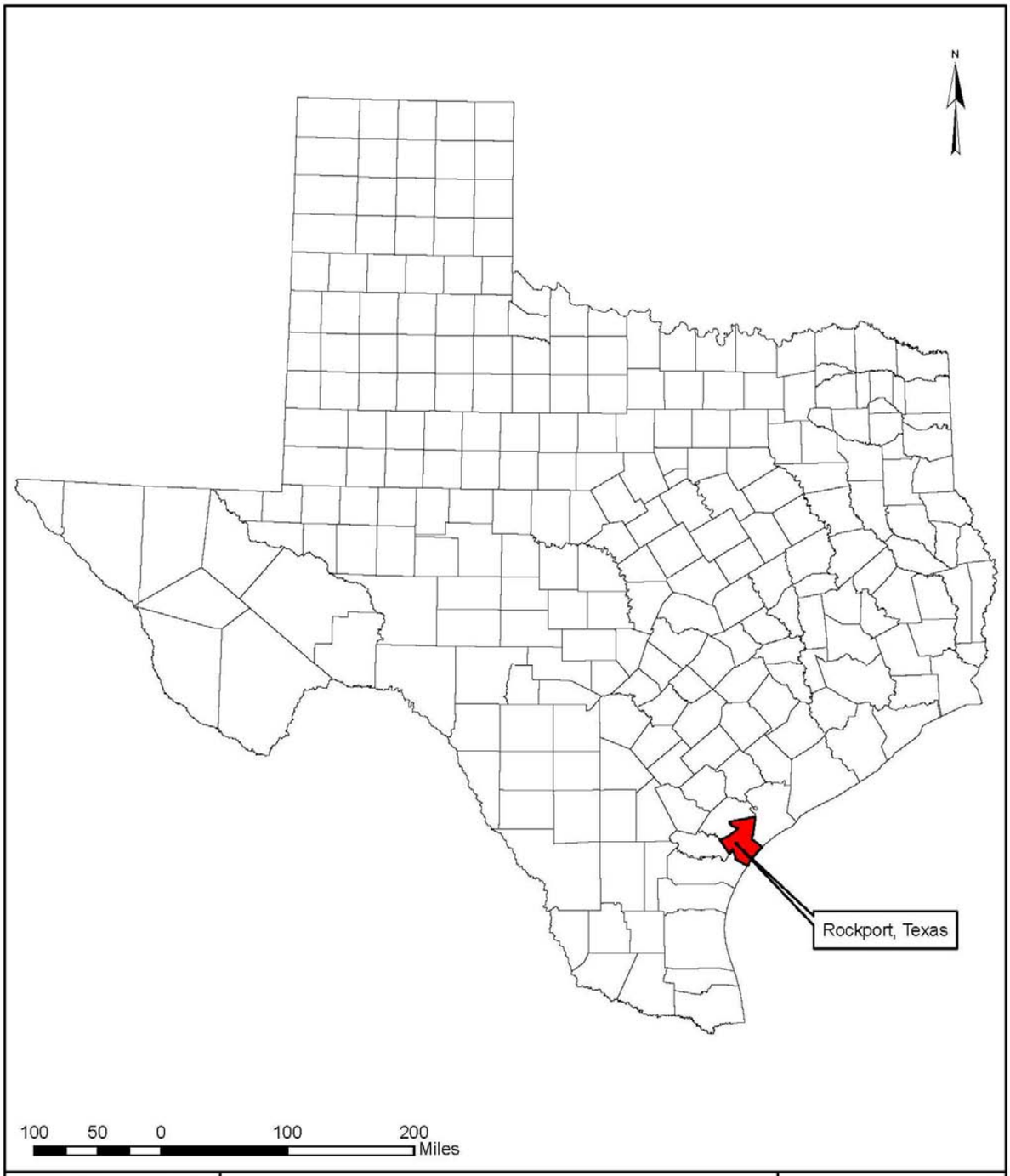
The Mission-Aransas National Estuarine Research Reserve (NERR) proposes to collaborate with local partners to construct the Bay Education Center that will be located near Rockport Beach in downtown Rockport, Texas. The proposed facility is a joint effort between the City of Rockport, Aransas County Navigation District (ACND), and the Mission-Aransas NERR. The Mission-Aransas NERR is managed by the University of Texas Marine Science Institute (MSI) located in Port Aransas, Texas. The MSI was founded in 1941 and is focused on basic and applied research with an aim of understanding the biological, chemical and physical processes governing the coastal zone ecosystem.

The City of Rockport is located on the coast of Texas in Aransas County as shown in Figure 1. It is located on Aransas Bay and protected from the open Gulf of Mexico waters by St. Joseph Island to the east. Recreation is an important part of the county's livelihood including many fishing, hunting, birding, and other tourist facilities such as the Fulton Mansion on Fulton Beach Road; Goose Island State Park; Aransas National Wildlife Refuge and the Texas Parks and Wildlife Department marine lab. There are many resort homes and condominiums and numerous annual celebrations with nautical and art themes. Rockport Beach has the privilege of being designated as Texas' first Blue Wave Beach. The location of the land containing the Bay Education Center on the Rockport Beach is shown in Figure 2.

1.2 PROPOSED ACTION

The Mission-Aransas NERR along with the City of Rockport and ACND proposes the construction of a new *Bay Education Center* in downtown Rockport, Texas with all construction activities to take place within the NERR boundaries. This is the preferred alternative of the Mission-Aransas NERR. The other alternative considered was no action.

This Environmental Assessment (EA) document has been prepared in conformance with requirements for implementing the National Environmental Policy Act (NEPA) and National Oceanographic and Atmospheric Administration (NOAA) Administrative Order 216-6. This EA follows the Environmental Review Procedures for implementing NEPA, and analyzes the potential for significant environmental impacts to the human environment by both the proposed action and the alternative of taking no action.



Proposed Bay Education Center,
Aransas County, Texas

Mission-Aransas National
Estuarine Research Reserve
750 Channel View Drive
Port Aransas, Texas 78373

FIGURE 1

Location of Proposed Bay Education Center

Aransas County, Texas

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Proposed Bay Education Center,
Aransas County, Texas

Mission-Aransas National
Estuarine Research Reserve
750 Channel View Drive
Port Aransas, Texas 78373

FIGURE 2

Proposed Bay Education Center
Project Area

Aransas County, Texas

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FINDINGS

Only minimal impacts are expected to the man-made and natural environment as a consequence of implementing the proposed project. The project would result in the loss of approximately 25,000 ft^2 of vacant land that is currently developed and vegetated with a combination of natural and landscaping grasses. The overall environmental impact would be minimal.

The proposed action is compatible with all local zoning and land use plans. No adverse impacts to water quality, wetlands or sensitive ecological habitat species should result in construction or operation of the site.

No properties that are listed in or eligible for listing in the National Register of Historic Places would be affected by the proposed project, and local visual esthetics will not be significantly impaired.

Significant individual and/or cumulative environmental effects would not result from implementation of the proposed action, and preparation of a Finding of No Significant Impact (FONSI) is warranted by either the proposed action or the alternative action.

PURPOSE AND NEED

In May 2006, NOAA designated the Mission-Aransas National Estuarine Research Reserve (NERR), with The University of Texas at Austin Marine Science Institute (MSI) as its lead agency. Mission-Aransas NERR is one of 27 NOAA coastal reserves in the United States, and the only one on the western coast of the Gulf of Mexico.

Of these reserves, Mission-Aransas NERR is among the largest and most pristine. The main purpose of the reserve is to monitor short- and long-term changes in the environment. The reserve includes Copano, Aransas and Mesquite bays, the northern portion of Matagorda Island, the Aransas National Wildlife Refuge on the mainland, and also the estuarine portion of the Mission River.

The purpose of the project is to provide a facility for educational activities within the boundaries of the Mission-Aransas NERR. The proposed facility will be a joint effort between the City of Rockport, Aransas County Navigation District (ACND), and the Mission-Aransas NERR. The target audience for the *Bay Education Center* will be the general public, students, tourists, and local decision makers. The *Bay Education Center* will help fulfill the Mission-Aransas NERR goal of increasing understanding of coastal ecosystems by diverse audiences. Education and outreach are the primary delivery mechanisms to explain what coastal ecosystems are and how they work. This project is needed to accomplish the stated goals of the Mission-Aransas NERR.

This location, at Rockport Beach in downtown Rockport, is key for targeting all sectors of the general public. It already experiences heavy public traffic because it is adjacent to the Texas Maritime Museum, Rockport Center for the Arts, Rockport Beach Park, Rockport Fulton-Area Chamber of Commerce, Fishing Pier, and Cabanas. The *Bay Education Center* will have a high level of exposure and visibility and be easily found by those wishing to visit, including public school students and college students from surrounding areas.

The *Bay Education Center* will contain an auditorium/seminar room, visitor center, information kiosk, public restrooms, and offices for the City of Rockport. The visitor center will educate the public and tourists about the importance of our estuaries and the habitats and organisms they support. The City of Rockport has a large component of seasonal residents. These residents are typically retired, educated and affluent individuals that have a vested interest in the community. A visitor center would be an ideal tool to further educate the residents, and inform the tourists about the importance of bay ecosystems and the local environment.

The *Bay Education Center* will also be used by the education programs of the Mission-Aransas NERR and University of Texas Marine Science Institute. The ability to teleconference seminars and events will facilitate and enhance traditional educational programs such as teacher training and Elderhostel. K-12 field trips will also be expanded to utilize the facility and assist the Mission-Aransas NERR in meeting many of its educational goals.

PROPOSED ACTION

NOAA funds the Mission-Aransas NERR through the MSI. The MSI plans to build the *Bay Education Center* for the Mission-Aransas NERR in downtown Rockport (Figure 3). The approximately 25,000 ft^2 site where the *Bay Education Center* will be constructed will accommodate an auditorium, visitor center, and offices for the City of Rockport. The majority of new construction will occur within the already developed 1.72 acres currently comprising the ACND office and associated parking.

As lead federal agency, NOAA Estuarine Reserves Divisions is required to complete a determination of impacts under the NEPA prior to federal funding decisions.

Following discussions with NOAA, The University of Texas at Austin has begun the process of preparing an Environmental Assessment for the proposed action. Belaire Environmental, Inc. has been contracted to collect and analyze information under the direction of NOAA.

Construction at the site will involve normal processes – the building will be an elevated reinforced concrete foundation. Utilities (water, wastewater, sewer) will all tie into the city system via underground piping/conduit. Parking for the facility will be provided by existing parking lots on the ACND property. A site-specific storm water pollution prevention plan (SWPPP) will be prepared to ensure that construction related runoff does not impact local water bodies. No construction equipment will be stored on natural, undeveloped land.

Proposed Bay Education Center,
Aransas County, Texas

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FIGURE 3

Proposed Bay Education Center Site

Aransas County, Texas

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4.0 ALTERNATIVE ACTION

4.1 NO-ACTION ALTERNATIVE

Under the no-action alternative, NOAA would not support funding of the proposed project and the MSI and City of Rockport would take no-action to construct a new NERR *Bay Education Center* unless non-federal funds could be obtained in order to accomplish the task. No change to human health and safety of the environment would result from the no-action alternative.

4.2 PREFERRED ALTERNATIVE: PROPOSED UT MARINE SCIENCE INSTITUTE BUILDING LOCATON

The MSI, City of Rockport and ACND propose to construct, with federal funding assistance from the NOAA, a new *Bay Education Center*, with all construction activities taking place inside the current boundaries of the property on which the ACND owns. This is the preferred action of the MSI.

5.0 AFFECTED ENVIRONMENTAL AND ENVIRONMENTAL CONSEQUENCES

5.1 LAND USE AND ZONING

Currently, the immediate vicinity of the proposed project includes an office building, covered park benches, and parking areas. The land is owned and managed by the Aransas County Navigation District No. 1 (ACND) and is zoned under the municipal jurisdiction of the City of Rockport as R-1 Residential property (Figure 4). For the purposes of the long-term land use planning, Rockport has designated this site for single family residences, religious institutions, public buildings and parks (Figure 5).

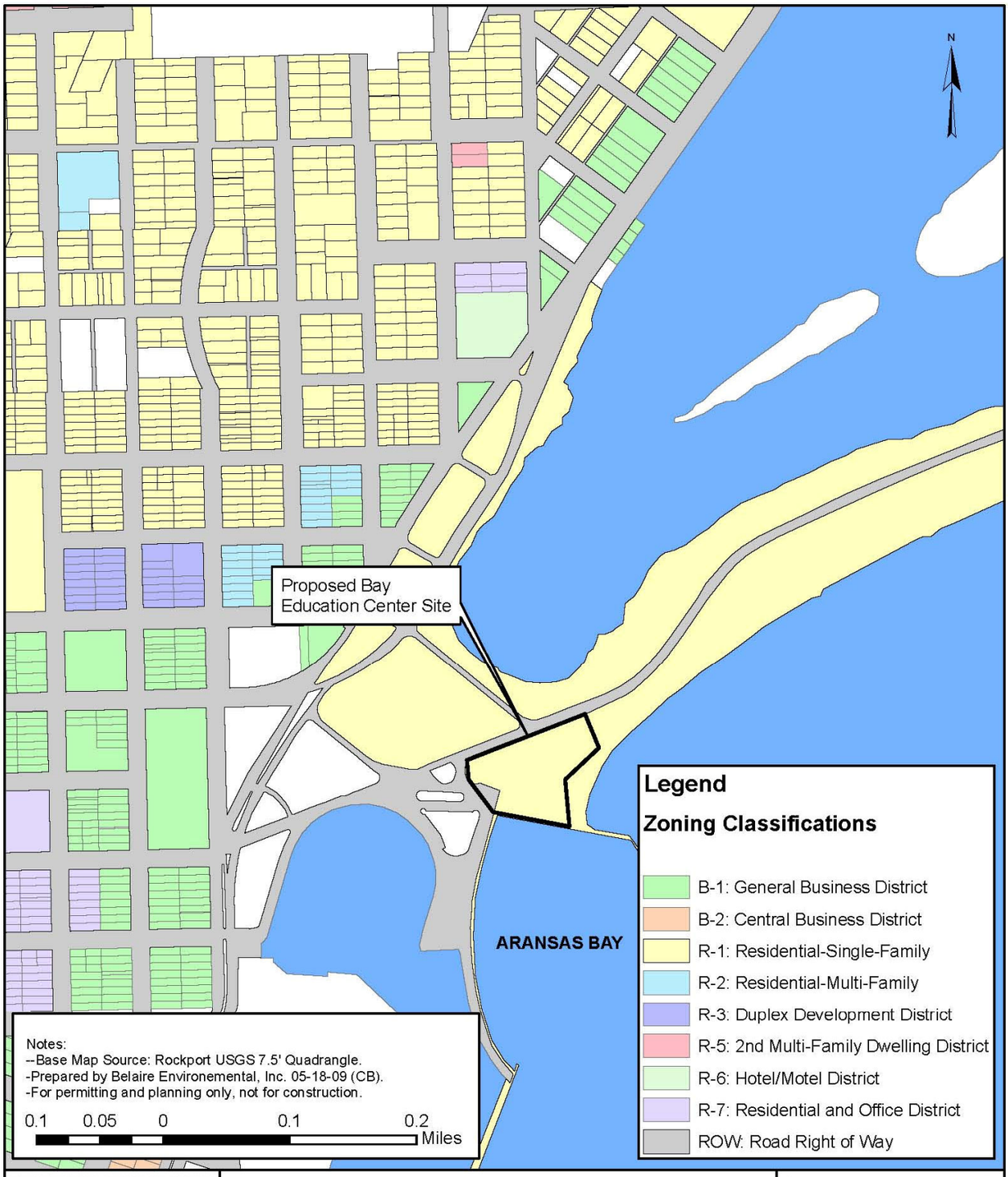
5.1.2 Environmental Consequence-Proposed Action

The planned development that would take place at the site (construction of the *Bay Education Center* building) is considered compatible with the current zoning. Per the Rockport Zoning Code, R-1 zoning permits the following construction types:

- single-family residences;
- churches, schools, parks;
- duplexes and multifamily dwellings;
- HUD-code manufactured homes (mobile home);
- Hotels and motels;
- outdoor recreational facilities;
- public buildings; and
- commercial amusement parks, cafes and restaurants.

5.1.3 Environmental Consequence-No-Action Alternative

No construction would take place under the no-action alternative and, as such no impacts to land use and zoning would result.



Proposed Bay Education Center,
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FIGURE 4

Proposed Bay Education Center Site
Current Rockport Zoning

Aransas County, Texas

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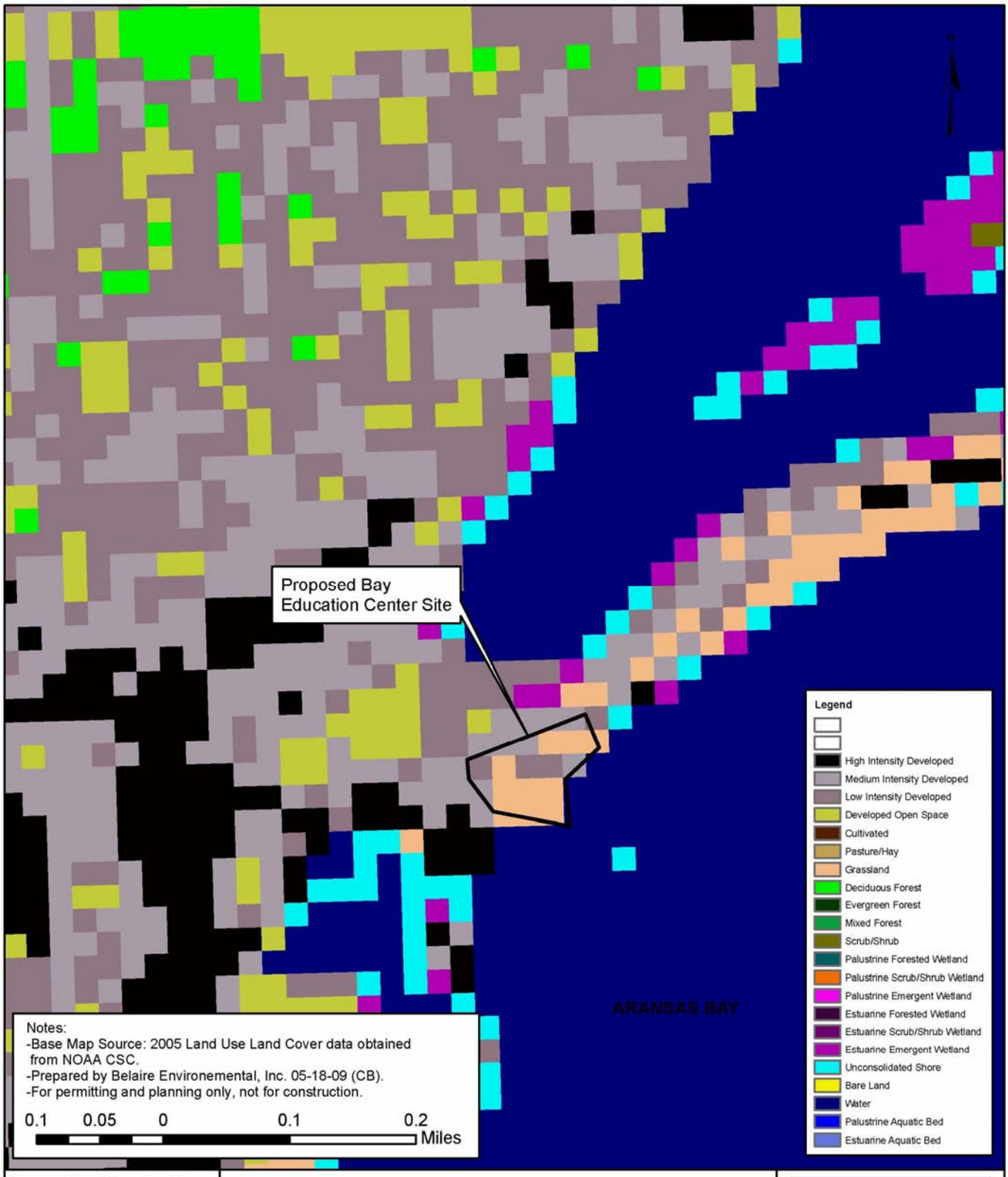

Proposed Bay Education Center,
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FIGURE 5

Proposed Bay Education Center Site
Rockport Future Land Use Planning

Aransas County, Texas

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5.2 *DRAINAGE AND WATER QUALITY*

5.2.1 *Affected Environment*

Potable water and wastewater services are supplied to the area by the City of Rockport. Potable water comes from a surface water system made up of the Nueces River and Lake Texana. Lake Texana water is pumped directly to the O.N. Stevens treatment plant and blended with water from the Nueces River. Water from Lake Corpus Christi and Choke Canyon flows down the Nueces River to intake pumps at Calallen and then to the San Patricio Municipal Water District treatment plant near Ingleside. The City of Rockport purchases treated water through different pumping stations from the San Patricio Municipal Water District.

Per the Storm Drainage Master Plan for the City of Rockport, the site lies outside the boundaries of any basin drained by the Rockport Storm Sewer system. Rainfall at the proposed site drains via overland flow to both Laurel and Chambers Streets to Little Bay or overland flow to Aransas Bay.

5.2.2 *Environmental Consequences-Proposed Action*

The proposed activity would not significantly affect the water delivery system. The new building will require a tie-in to the water main which already services the ACND, but the additional water use at the facility will not have a major impact on ACND water use.

The proposed project would create soil erosion and sedimentation during the construction phase, but a SWPPP would be included in the project in order to minimize these effects. Building construction will slightly increase the amount of impervious cover at the site, but this is not expected to result in any significant changes to drainage patterns. A post-construction SWPPP will provide that stormwater will result in minimal impacts to bay water quality.

The area is flat ground which currently drains to Concho Street and from there flows as surface water runoff into Rockport Harbor and Aransas Bay. Existing parking lot surface drains will direct any runoff into the existing system. There would be no significant increase in impervious surfaces or impacts to drainage patterns as a result of the implementation of the proposed project.

5.2.3 *Environmental Consequences-No-Action Alternative*

No construction would take place under the no-action alternative and as such no impacts to current water usage or to runoff patterns would result.

5.3 CULTURAL RESOURCES

5.3.1 Affected Environment

In compliance with the Section 6 procedures of the National Historic Preservation Act (NHPA) of 1966 and the subsequent amendments, the effects to historic properties identified as being within the area of potential effect (APE) of the proposed project were assessed.

By the definition outlined in 36 CFR 800.16(d), the APE is, "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties." Using this definition, the nature and scope of the proposed project, and past experience with projects of a similar type, the APE was defined, with the consultation of the Texas Historical Commission, as the area of project-related ground-disturbing activity and construction and all properties within the viewshed of the project's proposed area.

Information on previously identified historic properties was reviewed to determine if there are any located within the APE of the project. Included was a review of National Register listed properties, proposed National Register nominations and National Historic landmarks, archaeological sites, cemeteries, museums, military sites, sawmills and neighborhood surveys using the Texas Historical Commission's Texas Historic Sites Atlas and other resources. Topographic maps and aerial photography were also reviewed in order to identify areas of high archaeological site potential inside the APE.

After this review of existing information on previously identified historic properties and after conducting background research on the project area, record searches were conducted for the area within and surrounding the APE in order to identify any historic properties or archaeological sites eligible for listing in the National Register.

As a result of these efforts, there were no archeological sites or historic properties within close proximity to the proposed project.

5.3.2 Environmental Consequences- Proposed Action

Construction of the Proposed Project will not impact any archaeological sites or registered historical places.

No indirect effects are anticipated to occur due to implementation of the proposed project as all construction activities would take place on the current grounds of the ACND.

A concurrence from the Texas State Historical Preservation Office (SHPO), with its opinion that the proposed Project does not affect historic properties, can be found in Appendix B.

5.3.3 Cultural Consequences- No-Action Alternative

No construction would take place under the no-action alternative and as such no impacts would result for the listed property or sites.

5.4 FLORA AND FAUNA

5.4.1 Affected Environment

5.4.1.1 Native Flora and Fauna

Historically, the Major Land Resource Area of the site is Gulf Coast Saline Prairies. Undisturbed, The project site is located near the bay front on Live Oak Peninsula. Historically such nearshore upland landscapes were dominated by a mix of coastal prairie and live oak motts. Undisturbed the typical plant community is dominated by Live Oak (*Quercus virginiana*), Yaupon (*Ilex vomitoria*), Southern Bayberry (*Myrica cerifera*),Seacoast Bluestem (*Schizachyrium scoparium*), Big Bluestem (*Andropogon glomeratus*), Marshhay cordgrass (*Spartina patens*), and associated species.

The area that would be impacted by the proposed project is already highly disturbed: vacant areas are mowed and maintained by the ACND, a portion of the site is currently utilized for parking, and as a location for the offices of the ACND (Figure 6, Figure 7).

Fauna associated with Live Oak Peninsula include a large variety of birds, small mammals, reptiles and amphibians. Species common to the area have adapted to the associated altered landscapes and human activity associated with the area.

There is an abundant and diverse variety of birds supported by the environment close to the proposed project site. Birds common to and likely to be observed near the proposed project area include gulls, terns, herons, shorebirds, wading birds, raptors, passerines (songbirds) and migratory waterfowl. Specific examples include the Laughing Gull (*Larus atricilla*), Ring-billed Gull (*Larus delawarensis*), Brown Pelican (*Pelicans occidentalis),* Royal Tern (*Thalasseus maximus*), Sandwich Tern (*Thalasseus sandvicensis*), Black Skimmer (*Rhynchops niger*), Great Blue Heron (*Ardea herodias*), Little Blue Heron (*Egretta caerulea*), Sanderling (*Calidris alba*), Least Sandpiper (*Calidris minutilla*), Roseate Spoonbill (*Platalea Ajaja*), White Ibis (*Eudocimus albus*), Sandhill Crane (*Grus canadensis*), Northern Harrier (*Circus cyaneus*), White-tailed Hawk (*Buteo albicaudatus*), Osprey (*Pandion haliaetus*), Red-tailed Hawk (*Buteo jamaicencis*), Crested Caracara (*Caracara cheriway*), American Kestrel (*Falco sparverius*), Horned Lark (*Eremophila alpestris*), Marsh Wren (*Cistothorus palustris*), American Pipit (*Anthus rubescens*), Common Yellowthroat (*Geothlypis trichas*), Savannah Sparrow (*Passerculus sandwichensis*), Lincoln's Sparrow (*Melospiza lincolnii*) and Red-winged Blackbird (*Agelaius phoeniceus*).

Mammals likely to occur on or adjacent to the proposed project site include the Raccoon (*Procyon lotor*), Striped Skunk (*Mephitis mephitis*), Maritime Pocket Gopher (*Geomys personatus maritimus*), Spotted Ground Squirrel (*Spermophilus Spilosoma*), Northern Grasshopper Mouse (*Onychomys leucogaster*), Hispid Cotton Rat (*Sigmidon hispidus*), Virginia Opossum (*Didelphis Virginiana*), Eastern Cottontail Rabbit (*Sylvilagus floridanus*), Nine-banded Armadillo (*Dasypus novemcinctus*) and Coyote (*Canis latrans*). Marine mammals are also likely to occur within Aransas Bay and associated waters, with the Bottle-nosed Dolphin (*Tursiops truncatus*) being the most commonly encountered marine mammal.

Proposed Bay Education Center, Aransas County, Texas

Mission-Aransas National Estuarine Research Reserve
750 Channel View Drive
Port Aransas, Texas 78373

FIGURE 6

Proposed Bay Education Center Site
Current Vegetative Cover

Aransas County, Texas

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Figure 7 – Site Photos

Proposed Building Location

Looking East of the Existing Parking Area

Reptiles and amphibians likely to occur on or adjacent to the proposed project site include Blanchard's Cricket Frog (*Acris crepitans blanchardi*), Texas Toad (*Bufo speciosus*), Great Plains Narrowmouth Toad (*Gastrophryne olivacea*), Bullfrog (*Rana catesbeiana*), Western Glass Lizard (*Ophisaurus attenuatus attenuatus*), Six-lined Racerunner (*Aspidoscelis sexlineata*), Keeled Earless Lizard (*Holbrookia propinqua*), Texas Spotted Whiptail (*Aspidoscelis gularis*), Coachwhip (*Masticophis flagellum*), Groundsnake (*Sonora semiannulata*) and Western Diamond-backed Rattlesnake (*Crotalus atrox*). Along with these terrestrial animals, there are five species of sea turtle known to inhabit the Gulf of Mexico and associated bays; the Loggerhead sea turtle (*Caretta caretta*), Green Turtle (*Chelonia mydas*), Leatherback sea turtle (*Dermochelys coriacea*), Atlantic Hawksbill Sea Turtle (*Eretmochelys imbricata imbricata*) and Kemp's Ridley sea turtle (*Lepidochelys kempii*).

There also exists a large number of finfish and shellfish which occupy the adjacent areas of Aransas Bay and the Gulf of Mexico. The most common finfish found in waters near the project include Gulf Menhaden (*Bevoortia patronus*), Bay Anchovy (*Anchoa mitchilli*), Hardhead Catfish (*Ariopsis felis*), Sheepshead (*Archosargus probatocephalus*), Red Drum (*Sciaenops ocellatus*), Black Drum (*Pogonius cromus*), Pinfish (*Lagodon rhomboids*), Silver Perch (*Bairdiella chrysoura*), Sand Seatrout (*Cynoscion arenarius*), Spotted Seatrout (*Cynoscion nebulosus*), Spot (*Leiostomus xanthurus*), Atlantic Croaker (*Micropogonias undulates*), Striped Mullet (*Mugil cephalus*), Gulf Flounder (*Paralichthys albigutta*) and Southern Flounder (*Paralichthys lethostigma*).

The most common shellfish occurring in waters adjacent to the project site include Brown Shrimp (*Farfantepenaeus aztecus*), Pink Shrimp (*Farfantepenaeus duorarum*), White Shrimp (*Litopenaeus setiferus*), Blue Crab (*Callinectes sapidus*), Gulf Stone Crab (*Menippe mercenaria*) and Eastern Oyster (*Crassostrea virginica*).

5.4.1.2 Threatened and Endangered Species

The Endangered Species Act [16 U.S.C. 1531 et. Seq.] of 1973 (ESA) was put into place with the design of providing a program for the preservation of endangered and threatened species as well as protection of the ecosystems that these species depend upon for survival. Implementation of protection programs for designated species is required of all federal agencies along with use of their authorities in furthering the ESA's purposes.

As defined by the United States Fish and Wildlife Service (USFWS), "An "endangered" species is one that is in danger of extinction throughout all or a significant portion of its range. A "threatened" species is on that is likely to become endangered in the foreseeable future." USFWS (http://www.fws.gov/endangered/wildlife.html). Only those species listed as endangered or threatened by the USFWS or National Marine Fisheries Service (NMFS) are provided with complete Federal protection. Species listed as threatened or endangered by the state, while addressed in the assessment, are not under the protection of the ESA. Species of Concern (SOC) (species for which some information exists that shows evidence of vulnerability but not enough to support Federal listing), are likewise not under the protection of the ESA.

In preparation of this Draft Environmental Assessment, a request for review was provided to the U.S. Fish & Wildlife Service and the Texas Parks & Wildlife Department regarding the potential occurrence of species and/or habitat concerns at the proposed site. A list of threatened and endangered species for Aransas County, confirmed by USFWS is provided in Appendix B. Additionally it should be noted that inclusion in the following lists does not necessarily imply occurrence of a species in the study area, but simply acknowledges the potential of occurrence.

Protected under the Migratory Bird Treaty Act, the black skimmer (*Rhynchops niger*) is not expected to occur in the vicinity of the proposed site. However, black skimmers are known to nest on the nearby Rockport beach. Educational materials will be provided to construction personnel prohibiting the disturbance of any nesting and/or injured black skimmer (Appendix B).

The only species expected to occur in the vicinity of the proposed site is the brown pelican (*Pelicanus occidentalis*). The entire brown pelican population is currently proposed for delisting (73 FR 9407 9433). Brown pelicans are expected to forage in water bodies adjacent to the proposed site or general vicinity. Nesting pelicans will not be impacted by the project. Construction activities may displace brown pelicans causing them to take flight and either fly along the shoreline to another suitable location or fly offshore. This displacement will be temporary since when disturbed by traffic or human activities the birds generally move a short distance away and continue to perform their pre-disturbance behavior. Avoidance and minimization measures for the brown pelican during project construction will include providing all construction with educational materials (Appendix B) to properly identify brown pelicans and necessary protocol should an injured brown pelican be present in the project vicinity. The Project, its direct, indirect, interrelated, or interdependent activities may affect, but is not likely to adversely affect the brown pelican.

5.4.2 Environmental Consequences- Proposed Action

Based on the proposed alternative of constructing the new *Bay Education Center* Building there would be a loss of vacant land that is currently vegetated with mowed grass. This habitat type is not known to contain essential constituent elements for any threatened or endangered species. The proposed project would, however, include the planting of native foliage and creating a xeriscape. Temporary displacement and a modification of behavior for nearby fauna, including the endangered brown pelican (proposed for delisting), is anticipated during the construction phase of the proposed project. However, the activities of the proposed project are similar to current activity in the adjacent area so no long term, detrimental consequences to the existing flora and fauna, including threatened and endangered species, would result with implementation of the proposed project. Concurrence letters from Texas Parks and Wildlife Department and US Fish and Wildlife Service are provided in Appendix B.

5.4.3 Environmental Consequences- No-Action Alternative

No construction would take place under the no-action alternative and as such no impacts would occur to the existing flora and fauna of the site.

5.5 WETLANDS

5.5.1 Affected Environment

A survey of the area of the proposed project was conducted for jurisdictional Waters of the US, including wetlands and streams, as is required by the provisions of Executive order 11990 and subsequent federal regulations. The project site includes a small area of tidal wetlands below the elevation of the Annual High Tide Line (AHTL) (Figures 8). It is anticipated that no disturbance will occur in wetland areas subject to the jurisdiction of the U.S. Army Corps of Engineers.

5.5.2 Environmental Consequences- Proposed Alternative

Since construction will only occur outside jurisdictional areas, there would be no direct impacts to wetlands due to installation or operation of the site.

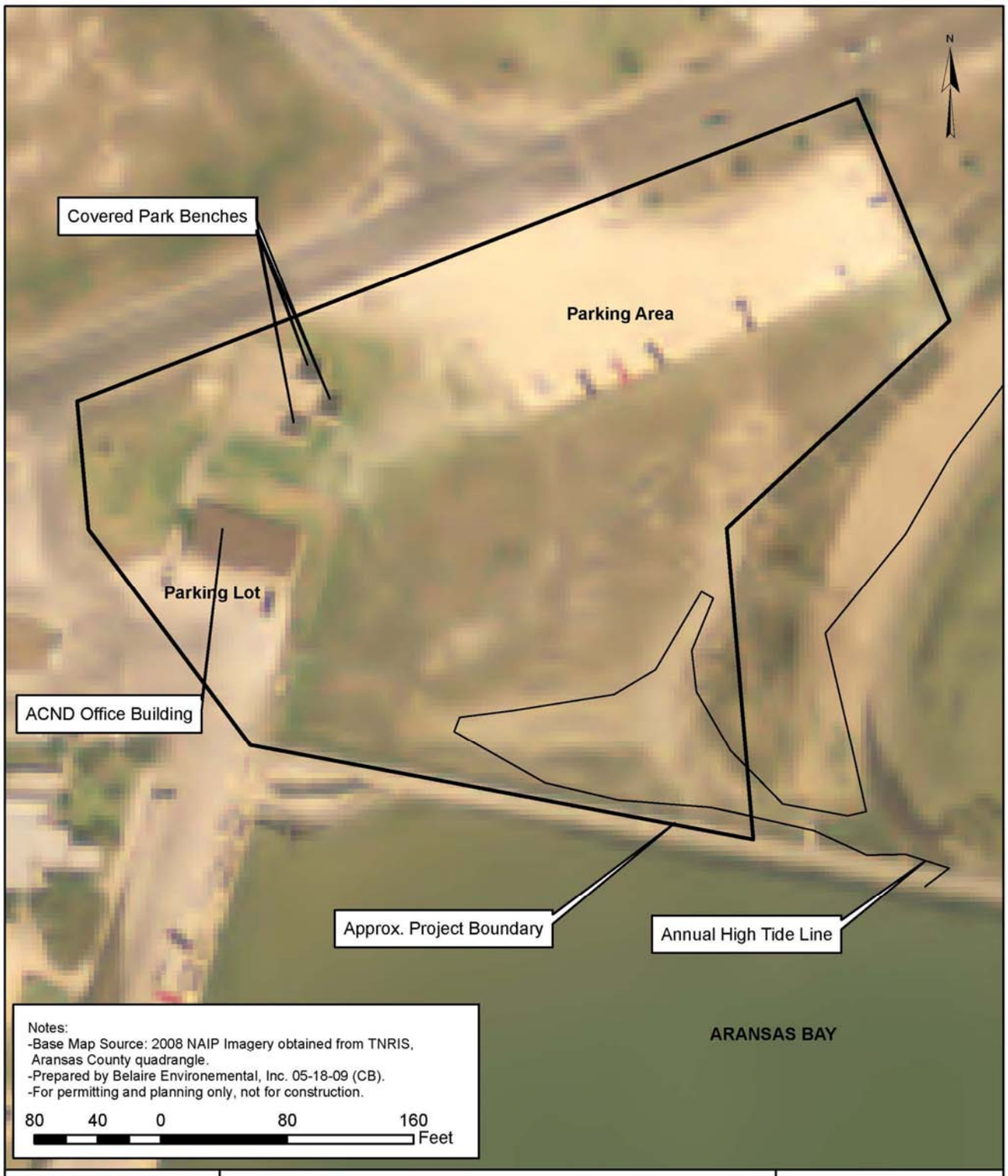
5.5.3 Environmental Consequences- No-Action Alternative

No construction would take place under the no-action alternative, and as such, no impacts would occur to wetlands.

5.6 FLOODPLAINS

5.6.1 Affected Environment

Following Executive Order 11988, protection of floodplains and floodways is required, and through consultation of the National Flood Insurance Program's (NFIP) Flood Insurance Rate Map (FIRM) for Rockport, Texas, the project is located within the 100 year floodplain and is designated as an A Zone (Figure 10). This is an area that is defined as areas within the 100-year flood plain where base flood elevations have been determined. The flood elevation for the proposed project site is 6′.



Proposed Bay Education Center, Aransas County, Texas

Mission-Aransas National Estuarine Research Reserve
750 Channel View Drive
Port Aransas, Texas 78373

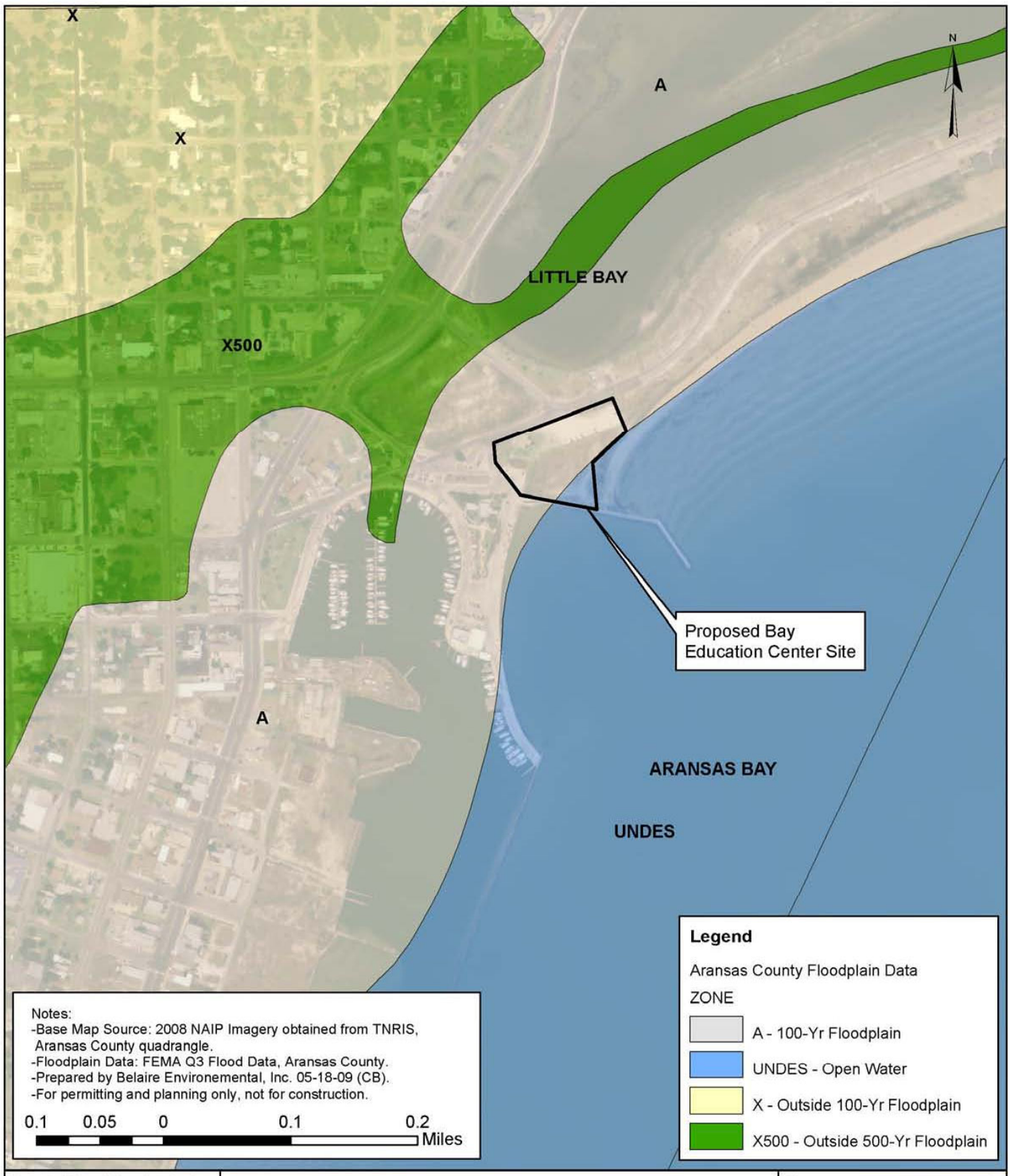
FIGURE 8

Proposed Bay Education Center Site
Annual High Tide Line

Aransas County, Texas

BELAIRE ENVIRONMENTAL, INC.

P.O. Box 741 Rockport, TX 78382



Proposed Bay Education Center,
Aransas County, Texas

Mission-Aransas National
Estuarine Research Reserve
750 Channel View Drive
Port Aransas, Texas 78373

FIGURE 9

Floodplain Map
Proposed Bay Education Center

Aransas County, Texas

BELAIRE ENVIRONMENTAL, INC.

P.O. Box 741 Rockport, TX 78382

5.6.2 Environmental Consequences- Proposed Action

The construction of the proposed project will require additional fill to be placed within the 100-year floodplain. All fill would be associated with the proposed building construction, covering a footprint of approximately 25,000 ft^2. This encroachment within the 100-year floodplain is unavoidable as much of Live Oak Peninsula is a coastal barrier within this floodplain. The proposed action includes placement of the building on pilings elevating it above the floodplain. Currently the majority of the area is maintained lawn, a parking lot, and shoreline of Aransas Bay. There would be no significant increase in impervious surfaces or impacts to drainage patterns as a result of the implementation of the proposed project.

5.6.3 Environmental Consequences- No Action Alternative

No construction would take place under the no-action alternative, and as such, no impacts would occur within the 100-year floodplain.

5.7 VISUAL/LIGHT EMISSIONS

5.7.1 Affected Environment

This existing setting is low density and surrounded by the city of Rockport, with the visual characteristics of the area being urban. The buildings with Rockport Harbor have generally served the same or a similar purpose since their construction and their outward appearance has remained relatively unaltered. All existing buildings at Rockport Harbor utilize interior electric lighting, and as the proposed site is directly adjacent to an urban area, there is fairly extensive outdoor lighting already present.

5.7.2 Environmental Consequences- Proposed Action

No significant adverse impacts due to the aesthetic effects of the proposed project are expected. Due to the construction of the *Bay Education Center* Building, there will be an increase in light emissions. However, this increase is expected to be minor as a large amount of lighting would not be required and as occupancy during evening hours would be limited. In addition, as the proposed project is already located within close proximity to a developed area, any lighting impacts would be minimal compared to the existing baseline.

5.7.3 Environmental Consequences- No Action Alternative

No construction would take place under the no-action alternative, and as such, no impacts would occur to visual/light emissions.

5.8 SOLID AND HAZARDOUS WASTE

5.8.1 Affected Environment

Solid Waste- Solid waste is collected in large containers and then loaded and transported on Wednesdays and Fridays to the Rockport solid waste disposal site through a contract with Allied Waste Disposal. Recycling at the *Bay Education Center* will be conducted through an internal mechanism and will also collected by Allied Waste under Rockport municipal contract.

Steps will be taken to avoid using construction materials wherever possible that contain hazardous materials such as asbestos, lead-based paint and/or poly-chlorinated biphenols, and any waste that might possibly be generated through construction of the proposed project would be disposed of properly.

5.8.2 Environmental Consequences- Proposed Action

No hazardous waste is expected to be generated by construction of the proposed project or by operations of the headquarters building, and therefore no significant adverse impacts are anticipated. Non-hazardous solid waste generated by implementation of the project would be disposed of largely through open top dumpsters, to be transported off site by truck to the Rockport solid waste disposal site or to the Corpus Christi landfill.

5.8.3 Environmental Consequences- No Action Alternative

No construction would take place under the no-action alternative, and as such, no impacts would occur in regard to solid or hazardous waste.

5.9 CUMULATIVE IMPACTS

5.9.1 Affected Environment

Direct cumulative effects are impacts occurring as a result of the combined influence of unrelated but proximal activities occurring at or near the proposed action's area concurrently. The environmental setting of the existing and proposed facilities is described above.

5.9.2 Environmental Consequences- Proposed Action

The MSI, City of Rockport, and ACND are proposing to construct a new *Bay Education Center*, representing a minor expansion of existing facilities within the Rockport Harbor. As no other actions are currently planned for the Rockport Harbor, implementation of the proposed project would not result in nor be a part of reasonably foreseeable cumulative impacts.

5.93 Environmental Consequences- No Action Alternative

No construction would take place under the no-action alternative, and as such, no cumulative impacts would occur.

6.0 MITIGATION MEASURES

The planned construction will increase the developed footprint near Rockport Harbor, and will increase the amount of impervious cover. In addition, the *Bay Education Center* will lie within Zone A of the 100-year floodplain, with a base flood elevation of 6 feet. In order to minimize these impacts, the proposed action includes placement of the building on piers, thereby elevating it above the floodplain. This will reduce the installation of additional pervious cover at the site.

In addition, construction over previously disturbed land (i.e., asphalt parking, covered benches, existing office building), will minimize impacts to previously undisturbed land.

7.0 COMPLIANCE WITH OTHER ENVIRONMENTAL AND ADMINISTRATIVE REVIEW REQUIREMENTS

7.1 NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

The use of funds for acquisition or construction of buildings in special flood hazard areas is prohibited by the NFIP in communities not identified as participating in the Flood Insurance Program by the NFIP's Community Status Book. The City of Rockport does participate in the NFIP, and the proposed project is located partially in the A (EL 6) Zone. The project will comply with applicable regulations.

7.2 COASTAL BARRIERS RESOURCE ACT (COBRA)

All proposed projects located on undeveloped coastal barrier islands as designated in the CoBRA system must be consistent with the purposes of minimizing the loss of life, wasteful federal expenditures and damage to fish, wildlife and other natural resources in order to be eligible to receive federal funds. The area of the proposed project site in not on land designated as being an undeveloped coastal barrier island (CBI) and thus CoBRA does not apply.

7.3 ENDANGERED SPECIES ACT (ESA)

The proposed project may affect, but is not likely to adversely affect the brown pelican. The proposed project is unlikely to adversely impact any other endangered or threatened species listed under the ESA.

7.4 MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

This act requires that federal agencies consult with the National Marine Fisheries Service (NMFS) in regard to any action authorized, funded or undertaken which may have an adverse effect on essential fish habitat (EFH) for federally managed fish. As the proposed project is located entirely on land, no adverse effects are anticipated to EFH in the vicinity. Utilization of Best Management Practices (BMPs) during construction would control soil erosion and sedimentation, with soil disturbance being minimal. These control measures, such as silt fences around the construction site, other types of velocity dissipation devices and other BMPs would act to minimize erosion during construction and protect any adjacent EFH. Post construction BMPs will likewise minimize the effects of stormwater runoff on EFH.

7.5 COASTAL ZONE MANAGEMENT ACT (CZMA)

As required in Section 307 (d) of the CZMA, state and local governments applying for federal funding for a project affecting the coastal zone shall indicate the views of the appropriate state agency concerning the relationship of the proposed activity to the state's approved coastal management program.

Under the NOAA's Federal Consistency provisions (15 CFR 930), Federal agencies are required to determine whether certain proposed direct federal actions, permits and/or funded projects would directly impact coastal zones. The proposed project is not expected to have an adverse impact on coastal natural resource areas in the coastal zone and is consistent with the goals and policies of the Texas Coastal Management Program. Concurrence from the Coastal Coordination Council is provided in Appendix C.

7.6 NATIONAL HISTORIC PRESERVATION ACT (NHPA)

A National Register of sites and buildings of significant importance to the United States' history has been compiled by the Secretary of the Interior under the provisions of Section 106 of the National Historic Preservation Act of 1966. The proposed project will have no impact on National Register sites and thus no efforts are necessary to meet the *Secretary of the Interior's Standards for the Treatment of Historic Properties*.

7.7 ENVIRONMENTAL JUSTICE

In order to be consistent with the President's Executive Order on Environmental Justice 12898 (2/11/1994) and the Department of Commerce's Environmental Justice Strategy, applicants must ensure that their projects will have no disproportionately high and adverse human health or environmental effects on minority or low income populations. As this project is located in a previously developed area and is consistent in use and type with the existing structures there will be no adverse impacts on any minority or low income populations that may be located within close proximity of the site.

7.8 EXECUTIVE ORDER 12866

No significant regulatory action is constituted by the proposed project as defined by this executive order because: 1) it will not have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities; 2) it will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; 3) it will not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; and 4) it will not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

7.9 COMMERCE PRE-AWARD NOTIFICATION REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Published by the Department of Commerce in the Federal Register, 10/1/2001 (66 FR 49917), as amended 10/30/2002 (67 FR 66109), is a set of requirements applicable to all federal financial assistance awards issued by the Department. These will be addressed as Special Award Conditions on financial assistance awards.

8.0 CONCLUSION: FINDING OF NO SIGNIFICANT IMPACT

NOAA Administrative Order (NAO) 216-6 (revised 6/20/1999) provides eleven criteria for determining the significance of the impacts of a proposed action. These criteria are discussed below as they relate to the proposed project.

8.1 Impacts may be both beneficial and adverse-a significant effect may exist even if the Federal agency believes on balance the effect will be beneficial.

A need has been established for a new *Bay Education Center* as the facility would provide a mechanism for educating the general public about the importance of coastal ecosystems and provide office space for the City of Rockport within an area that is currently zoned for public buildings. Construction impacts will be restricted to a small and previously modified area.

8.2 What is the proposed degree to which public health or safety is affected by the proposed action?

There are no negative impacts in regards to health and safety associated with the construction of a new building at the site.

8.3 Are there unique characteristics of the geographic area in which the proposed action is to take place?

The proposed project is located in downtown Rockport, in a developed area. The geographic setting is unique and provides an ideal location for a *Bay Education Center*. The proposed project would not, however, threaten or impact the qualities and characteristics that make the geographic region unique.

8.4 What is the degree to which effects on the human environment are likely to be highly controversial?

No highly controversial effects are expected from the construction as the proposed project will be in the immediate vicinity of the existing Rockport Harbor.

8.5 What is the degree to which effects are highly uncertain or involve unique or unknown risks?

No uncertain, unique or unknown risks are associated with the proposed project.

8.6 What is the degree to which the action establishes a precedent for future actions with significant effects or represents a decision in principle about a future consideration?

The possibility does exist that additional improvements to the facilities will be proposed in order to accommodate future growth or needs.

8.7 Does the proposed action have individually insignificant but cumulatively significant impacts?

No cumulatively significant impacts would result from the proposed project. Only minor temporary and insignificant impacts will result from construction of the proposed project, and the project is consistent with the needs of the facility.

8.8 What is the degree to which the action adversely affects entities listed in or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural, or historic resources?

No properties listed in or eligible for listing in the National Register of Historic Places will be affected by the proposed project or its construction.

8.9 What is the degree to which endangered or threatened species, or their critical habitat as defined under the Endangered Species Act of 1973, are adversely affected.

No endangered or threatened species have been identified in the immediate impact area. Educational materials for the brown pelican and black skimmer will be provided to construction personnel. The materials will instruct all personnel to avoid all nearby birds during Project construction.

8.10 Is a violation of Federal, state, or local law for environmental protection threatened?

No environmental laws and/or regulations will be violated by the proposed project.

8.11 Will the proposed action result in the introduction or spread of a non-indigenous species?

No non-indigenous species will be introduced or spread through implementation of the proposed project. There are some non-indigenous species already located within the vicinity of the proposed project; some of which will be removed at the footprint of the construction site when the foundations are laid.

Finding of No Significant Impact

This EA conforms to the procedural and technical requirements set forth in NOAA Administrative Order 216-6, Environmental Review Procedures for Implementing the National Environmental Policy Act, and NEPA. This EA examines the potential to construct a new *Bay Education Center*, with all construction activities taking place within the current perimeter of ACND. This action is the preferred alternative of The MSI, the City of Rockport, and the ACND.

Based upon the analyses contained within this EA, no significant adverse environmental impacts to the human environment will be associated with this action and hence warrant this finding of No Significant Impact (Section 5.03c of NOAA Administrative Order 216-6). Preparation of an environmental impact statement (EIS) for this financial award is not required by Section 102(2) (c) of the National Environmental Policy Act (NEPA) or it implementing regulations.

_____

Assistant Administrator for Ocean Services and Coastal Zone Management, NOAA

9.0 LIST OF PREPARERS

This report was prepared by Belaire Environmental, Inc. (BEI) in cooperation with The University of Texas at Austin.

Belaire Environmental, Inc.

Names
Charlie Belaire
Andi Bohn
Cyrus Bakhtiari

10.0 REFERENCES

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State Historical Preservation Office (SHPO)

Appendix A

Belaire Environmental, Inc.
P.O. Box 741
Rockport, Texas 78381 (361) 729-1241

MISSION * ARANSAS NATIONAL ESTUARINE RESEARCH RESERVE

RECEIVED
MAR 12 2009
Texas Historical Commission

March 9, 2009

Mr. Bill Martin
Texas Historic Preservation Officer
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711-2276

Dear Mr. Martin,

The Mission-Aransas National Estuarine Research Reserve (NERR) is a federal program that is managed by the University of Texas Marine Science Institute. The Mission-Aransas NERR is proposing construction of a visitor center within its Reserve Boundary. The Mission-Aransas NERR applied for Federal assistance under the Coastal Zone Management Act for construction of this project, and before funds can be approved, the NERR must receive clearance from the State Historic Preservation Office. The project is a joint partnership with the City of Rockport and the Aransas County Navigation District (ACND) and will occur on ACND property that is within the NERR boundary.

Mission-Aransas NERR supports the missions of the Texas Historical Commission, the National Ocean Service and other agencies that protect estuarine habitats and their associated natural and cultural resources. The proposed visitor center will help Mission-Aransas NERR support these missions. Mission-Aransas NERR is requesting a letter from the State Historic Preservation Officer clearing this project for historic preservation purposes. The project description has been enclosed for your review.

We believe that historic properties within your purview will not be affected by this project. Therefore, we request your concurrence with this determination. If you have any questions, please contact me at 361-749-6771 or via email at sally.morehead@mail.utexas.edu.

Thank you very much for your consideration of this request.

Sincerely,

Sally Morehead

Sally Morehead
Reserve Manager

Enclosure

NO HISTORIC PROPERTIES AFFECTED
PROJECT MAY PROCEED
By William A. Martin
for F. Lawerence Oaks
State Historic Preservation Officer
Date 4/24/09
Track#

The University of Texas at Austin
Marine Science Institute
750 Channel View Drive
Port Aransas, Texas 78373
361.749.6771 PHONE
361.749.6777 FAX
www.utmsi.utexas.edu/manerr

Endangered Species Concurrence (US Fish & Wildlife Service & Texas Parks & Wildlife Department; Conservation Measures for the Brown Pelican and Black Skimmer

Appendix B

Belaire Environmental, Inc.
P.O. Box 741
Rockport, Texas 78381 (361) 729-1241

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
c/o TAMU-CC, Campus Box 338
6300 Ocean Drive
Corpus Christi, Texas 78412

November 3, 2009

Andi Bohn
Belaire Environmental, Inc.
P.O. Box 741
Rockport, TX 78381

Consultation No. 21410-2009-I-0428

Dear Ms. Bohn:

This responds to your October 29, 2009, email with attached May 2009, Revised October 2009 Draft Environmental Site Assessment (EA) for the National Estuarine Research Reserve (NERR) Bay Education Center, Rockport, Texas. Your email requested review of NERR's Draft EA and concurrence with a "may affect, but is not likely to adversely affect" determination for the endangered brown pelican (*Pelecanus occidentalis*).

The NERR, along with the City of Rockport and Aransas County Navigation District (ACND) propose to construct a new Bay Education Center in downtown Rockport with all construction activities to take place within the NERR boundaries. The project site is approximately 25,000 ft^2 and the majority of the new construction will occur within the already developed 1.72 acres currently comprising the ACND office and associated parking. The Bay Education Center will contain an auditorium/seminar room, visitor center, information kiosk, public restrooms, and offices for the City of Rockport. The center will be used by the education programs of the NERR and University of Texas Marine Science Institute to educate the public about the importance of estuaries and the habitats and organisms they support.

The endangered brown pelican forages in water bodies adjacent to the proposed site or general vicinity. Construction activities may temporarily displace brown pelicans causing them to take flight, move a short distance away and continue to perform their pre-disturbance behavior. Avoidance and minimization measures for the brown pelican during project construction will include providing all construction workers with education materials to properly identify brown pelicans and the necessary protocol should an injured brown pelican be present in the project vicinity. No nesting pelicans will be impacted because none are known to nest in the area.

Black skimmers, although not federally listed, are known to nest on the nearby Rockport beach. NOAA has agreed to also provide education materials to construction personnel prohibiting the disturbance of any nesting/and or injured black skimmer.

After review of the project, the Service concurs with NERR's determination of "may affect but is not likely to adversely affect" for the brown pelican. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination can be reconsidered. If you have any further questions please contact Mary Orms at (361) 994-9005 or by email at mary orms@fws.gov.

Sincerely,

E. Dawn Whitehead

for Allan M. Strand
Field Supervisor

cc: Sally Morehead, The University of Texas at Austin Marine Science Institute, 750 Channel View Drive, Port Aransas, Texas 78373

YAHOO! MAIL Classic

RE: Proposed Bay Education Center, Rockport Harbor Monday, October 5, 2009 8:25 AM
From: "Paul Silva" <Paul.Silva@tpwd.state.tx.us>
To: "Andi Bohn" <ab_bei@sbcglobal.net>

Ms. Bohn,

I have reviewed your plans and talked with Karen Meadow about the project. We appreciate the fact that you have modified the original plans to use the existing concrete pad. I have no problem with the current plans.

Paul Silva
Coastal Ecologist
Texas Parks & Wildlife Department
Coastal Fisheries Ecosystem Resource Program
(361)825-3204 office (361)825-3248 fax
(361) 442-3842 cell

TEXAS PARKS & WILDLIFE **Life's Better Outside**

From: Andi Bohn [mailto:ab_bei@sbcglobal.net]
Sent: Wednesday, September 30, 2009 4:01 PM
To: Karen Meador; Paul Silva
Subject: RE: Proposed Bay Education Center , Rockport Harbor

Ms. Meador and Mr. Silva:
I believe Sally Morehead has been in communication with you regarding the referenced project. For your records, I have attached the proposed site concept for the Bay Education Center . As you will see, the building will be sited on the existing concrete pad. There will be little site work as we plan to utilize the existing parking. The footprint of the building is scheduled to occur within the area that is already impacted. Therefore, no impacts to nesting shorebirds, habitat, or wetlands is anticipated.

Could you please review the attached building plan and provide any comments or concerns you may have. Thank you very much for your help.
Sincerely,
Andi Bohn

Andi Bohn
Belaire Environmental, Inc.
(361) 729-1241 ext. 3# (Phone)
(361) 205-7655 (Mobile)
(361) 729-1441 (Fax)
ab_bei@sbcglobal.net
www.belaireenv.com

--- On **Tue, 6/9/09, Andi Bohn <*ab_bei@sbcglobal.net*>** wrote:

From: Andi Bohn <ab_bei@sbcglobal.net>
Subject: RE: Proposed Bay Education Center , Rockport Harbor
To: "Karen Meador" <Karen.Meador@tpwd.state.tx.us>
Cc: paul.silva@tpwd.state.tx.us, "Sally Morehead" <sally.morehead@mail.utexas.edu>, "Tom Blazek" <citymgr@cityofrockport.com>, "Charlie and Sandy Belaire" < estuary123@aol.com >
Date: Tuesday, June 9, 2009, 11:57 AM

Ms. Meador:
Thank you for your email. An architect for the proposed Bay Education Center has not yet been contracted. However, once an architect is selected the TPWD's concerns will be provided to the design team. Per your request, building plans will be provided to you and Mr. Silva upon completion. In the meantime, please don't hesitate to contact me with any other questions. Thank you for your assistance.
Sincerely,
Andi Bohn

Andi Bohn
Belaire Environmental, Inc.
(361) 729-1241 ext. 3# (Phone)
(361) 205-7655 (Mobile)
(361) 729-1441 (Fax)
ab_bei@sbcglobal.net
www.belaireenv.com

--- On **Mon, 6/1/09, Karen Meador <*Karen.Meador@tpwd.state.tx.us*>** wrote:

From: Karen Meador <Karen.Meador@tpwd.state.tx.us>
Subject: RE: Proposed Bay Education Center , Rockport Harbor
To: "Andi Bohn" <ab_bei@sbcglobal.net>
Date: Monday, June 1, 2009, 11:15 AM

Ms. Bohn: I apologize for not getting back to you with specific comments on this request. When can we expect actual building plans for this facility? Though you mention the site as “already highly developed and disturbed”, I do have some concerns about the placement of this facility right on the beach. Any building this close to the water is susceptible to all extreme weather conditions and usually cause more problems for the area, simply because it is one more building (disturbance). As you may know, there are many nesting birds in close proximity and they seem to be expanding their territory every year. I would like to reserve the right to comment more fully once I see the actual facility plans.

I have forwarded this information on to our permit staff in the Corpus office for their review as well. For future reference, contact Paul Silva paul.silva@tpwd.state.tx.us

Karen Meador
Aransas Bay Ecosystem Leader
Rockport Marine Lab
361-729-2328

From: Andi Bohn [mailto:ab_bei@sbcglobal.net]

Sent: Tuesday, May 19, 2009 2:39 PM
To: Karen Meador
Cc: Charlie & Sandy Belaire
Subject: Proposed Bay Education Center , Rockport Harbor

Ms. Meador:
Per my telephone message, please find the attached information regarding a proposed Bay Education Center located within Rockport Harbor . The proposed project will be a joint effort between the City of Rockport , Aransas County Navigation District (ACND), and the Mission-Aransas NERR. We respectfully request TPWD review the attached information and advise whether you see any species or habitat related concerns associated with this project. Please feel free to contact me (361-729-1241 ext. 3#) with any questions.
Sincerely,
Andi Bohn

Andi Bohn
Belaire Environmental, Inc.
(361) 729-1241 ext. 3# (Phone)
(361) 205-7655 (Mobile)
(361) 729-1441 (Fax)
ab_bei@sbcglobal.net
www.belaireenv.com

at&t | YAHOO! MAIL Classic

Re: Fw: Threatened and Endangered Species for Aransas County, Texas Thursday, March 12, 2009 10:23 AM
From: "Mary_Orms@fws.gov" <Mary_Orms@fws.gov>
To: Dawn_Whitehead@fws.gov, ab_bei@sbcglobal.net, beilaura@sbcglobal.net

The list is correct.

Dawn Whitehead/R2/FWS/DOI
03/12/2009 09:23 AM

To Mary Orms/R2/FWS/DOI@FWS
cc
Subject Fw: Threatened and Endangered Species for Aransas County, Texas

----- Forwarded by Dawn Whitehead/R2/FWS/DOI on 03/12/2009 09:23 AM -----

Andi Bohn <ab_bei@sbcglobal.net>
03/12/2009 09:08 AM
Please respond to ab_bei@sbcglobal.net

To Dawn Whitehead <dawn_whitehead@fws.gov>
cc Laura Fox <beilaura@sbcglobal.net>
Subject Re: Threatened and Endangered Species for Aransas County, Texas

Ms. Witehead:
Can you please confirm if the list below is the most current for Aransas County? Thank you in advance for your time.
Sincerely,
Andi Bohn

Andi Bohn
Belaire Environmental, Inc.
(361) 729-1241 ext. 3# (Phone)
(361) 205-7655 (Mobile)
(361) 729-1441 (Fax)
ab_bei@sbcglobal.net
www.belaireenv.com

--- On **Thu, 12/11/08, Andi Bohn <*ab_bei@sbcglobal.net*>** wrote:
From: Andi Bohn <ab_bei@sbcglobal.net>
Subject: Threatened and Endangered Species for Aransas County, Texas
To: "Dawn Whitehead" <dawn_whitehead@fws.gov>
Cc: "Charlie & Sandy Belaire" <estuary123@aol.com>, "Laura Fox" <beilaura@sbcglobal.net>
Date: Thursday, December 11, 2008, 2:58 PM

Ms. Whitehead:
I have located the below list of threatened and endangered species in Aransas County at the following link, http://www.fws.gov/southwest/es/EndangeredSpecies/lists/ListSpecies.cfm. Can you please confirm if this is the most current list for this county? I appreciate your assistance with this matter.
Sincerely,

Andi Bohn

Aransas County

Common Name	Scientific Name	Species Group	Listing Status	Species Image	Species Distribution Map	Critical Habitat	More Info
Attwater's greater prairie-chicken	*Tympanuchus cupido attwateri*	Birds	E				P
bald eagle	*Haliaeetus leucocephalus*	Birds	DM				P
brown pelican	*Pelecanus occidentalis*	Birds	DM, E				P

Reptiles

U.S. Fish and Wildlife Service
David Vogel

green sea turtle	*Chelonia mydas*	E, T		P

Mammals

Gulf Coast jaguarundi	*Herpailurus (=Felis) yagouaroundi cacomitli*	E		P

Reptiles

hawksbill sea turtle	*Eretmochelys imbricata*		E			P
Kemp's ridley sea turtle	*Lepidochelys kempii*	Reptiles	E			P
leatherback sea turtle	*Dermochelys coriacea*	Reptiles	E			P
loggerhead sea turtle	*Caretta caretta*	Reptiles	T			P

		Birds			
northern aplomado falcon	*Falco femoralis septentrionalis*	E			P
		Mammals			
ocelot	*Leopardus (=Felis) pardalis*	E			P
		Birds			
piping Plover	*Charadrius melodus*	E, T			P

Mammal

West Indian Manatee	*Trichechus manatus*	E	P

Birds

whooping crane	*Grus americana*	E, EXPN	P

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Belaire Environmental, Inc.
Planning • Permitting • Habitat Creation

May 16, 2009

Allan Strand
Field Supervisor
U.S. Fish & Wildlife Services
c/o TAMU-CC
6300 Ocean Drive #5857
Corpus Christi, Texas 78412-5837

Dear Dr. Strand,

The National Oceanic and Atmospheric Administration (NOAA) funds the Mission-Aransas National Estuarine Research Reserve (NERR) through the University of Texas at Austin Marine Science Institute (MSI). The proposed facility will be a joint effort between the City of Rockport, Aransas County Navigation District (ACND), and the Mission-Aransas NERR. The proposed *Bay Education Center* will be located in downtown Rockport, Texas on land owned by the ACND (Figure 2). This site is located within the NERR boundaries and is on the shoreline of Aransas Bay. The *Bay Education Center* will help fulfill the Mission-Aransas NERR goal of increasing understanding of coastal ecosystems by diverse audiences. Education and outreach are the primary delivery mechanisms to explain what coastal ecosystems are and how they work. The *Bay Education Center* will contain an auditorium/seminar room, visitor center, information kiosk, public restrooms, and offices for the City of Rockport. It already experiences heavy public traffic because it is adjacent to the Texas Maritime Museum, Rockport Center for the Arts, Rockport Beach Park, Rockport Fulton-Area Chamber of Commerce, Fishing Pier, and Cabanas.

Following discussion with the NOAA, the University of Texas has begun the process of preparing and Environmental Assessment for the proposed action. Belaire Environmental, Inc. has been contracted to collect and analyze information under direction of NOAA. The site currently contains office buildings for the ACND and associated parking lots, covered park benches, and a vacant area which is maintained by the ACND (Figure 6). The site is highly developed and disturbed therefore, it is not expected that significant impacts to local species of concern will result from the construction and operation of the facility.

Construction at the site will involve normal process—the building will likely be an elevated reinforced concrete foundation. Utilities (water, wastewater, sewer) will all tie into the city system via underground piping/conduit. Additional driveway will be built to tie parking into the main site road system. A site specific stormwater pollution prevention plan (SWPPP) will be prepared to ensure that construction related runoff does not impact local water bodies.

361-729-2948
Physical address:
1802 Baywood Drive
Rockport, TX 78382
Mailing Address:
P.O. Box 741
Rockport, TX 78381
Fax 361-729-2970
Email: estuary123@aol.com
www.belaireenv.com

Please review this information and reply as to whether there are any species or habitat related concerns that the USFWS has regarding this site at this time.

Encl.

Sincerely,

Andi Bohn

Andi Bohn

Cc: Charlie Belaire,
Belaire Environmental, Inc.

Proposed Bay Education Center, Aransas County, Texas Mission-Aransas National Estuarine Research Reserve 750 Channel View Drive Port Aransas, Texas 78373	Agent: BELAIRE ENVIRONMENTAL, INC. P.O. Box 741 Rockport, TX 78382 May 12, 2009 Page___of___	**FIGURE 2** Proposed Bay Education Center Project Area Aransas County, Texas	BELAIRE ENVIRONMENTAL, INC. Planning · Permitting · Habitat Creation

Proposed Bay Education Center,
Aransas County, Texas

Mission-Aransas National
Estuarine Research Reserve
750 Channel View Drive
Port Aransas, Texas 78373

Agent:

BELAIRE ENVIRONMENTAL, INC.
P.O. Box 741 Rockport, TX 78382

May 18, 2009

FIGURE 6

Proposed Bay Education Center Site
Current vegetative Cover

Aransas County, Texas

BELAIRE ENVIRONMENTAL, INC.
Planning · Permitting · Habitat Creation

Proposed Bay Education Center, Aransas County, Texas Mission-Aransas National Estuarine Research Reserve 750 Channel View Drive Port Aransas, Texas 78373	Agent: BELAIRE ENVIRONMENTAL, INC. P.O. Box 741 Rockport, TX 78382 May 12, 2009 Page___of___	**FIGURE 8** National Wetlands Inventory Map Proposed Bay Education Center Aransas County, Texas	BELAIRE ENVIRONMENTAL, INC. Planning · Permitting · Habitat Creation

Site Photos

Proposed Building Location

Looking East of the Existing Parking Area

Belaire Environmental, Inc.
Planning · Permitting · Habitat Creation

May 18, 2009

Karen Meador
Aransas Bay Ecosystem Leader
Texas Parks & Wildlife Department
702 Navigation Circle
Rockport, TX 78382

Dear Ms. Meador,

The National Oceanic and Atmospheric Administration (NOAA) funds the Mission-Aransas National Estuarine Research Reserve (NERR) through the University of Texas at Austin Marine Science Institute (MSI). The proposed facility will be a joint effort between the City of Rockport, Aransas County Navigation District (ACND), and the Mission-Aransas NERR. The proposed *Bay Education Center* will be located in downtown Rockport, Texas on land owned by the ACND (Figure 2). This site is located within the NERR boundaries and is on the shoreline of Aransas Bay. The *Bay Education Center* will help fulfill the Mission-Aransas NERR goal of increasing understanding of coastal ecosystems by diverse audiences. Education and outreach are the primary delivery mechanisms to explain what coastal ecosystems are and how they work. The *Bay Education Center* will contain an auditorium/seminar room, visitor center, information kiosk, public restrooms, and offices for the City of Rockport. It already experiences heavy public traffic because it is adjacent to the Texas Maritime Museum, Rockport Center for the Arts, Rockport Beach Park, Rockport Fulton-Area Chamber of Commerce, Fishing Pier, and Cabanas.

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Construction at the site will involve normal process—the building will likely be an elevated reinforced concrete foundation. Utilities (water, wastewater, sewer) will all tie into the city system via underground piping/conduit. Additional driveway will be built to tie parking into the main site road system. A site specific stormwater pollution prevention plan (SWPPP) will be prepared to ensure that construction related runoff does not impact local water bodies.

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Please review this information and reply as to whether there are any species or habitat related concerns that the TPWD has regarding this site at this time.

Encl.

Sincerely,

Andi Bohn

Andi Bohn

Cc: Charlie Belaire,
Belaire Environmental, Inc.

Proposed Bay Education Center, Aransas County, Texas Mission-Aransas National Estuarine Research Reserve 750 Channel View Drive Port Aransas, Texas 78373	Agent: BELAIRE ENVIRONMENTAL, INC. P.O. Box 741 Rockport, TX 78382 May 12, 2009 Page___of___	**FIGURE 2** Proposed Bay Education Center Project Area Aransas County, Texas	BELAIRE ENVIRONMENTAL, INC. Planning · Permitting · Habitat Creation

Proposed Bay Education Center,
Aransas County, Texas

Mission-Aransas National
Estuarine Research Reserve
750 Channel View Drive
Port Aransas, Texas 78373

Agent:

BELAIRE ENVIRONMENTAL, INC.
P.O. Box 741 Rockport, TX 78382

May 18, 2009

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Proposed Bay Education Center Site
Current vegetative Cover

Aransas County, Texas

BELAIRE ENVIRONMENTAL, INC.
Planning · Permitting · Habitat Creation

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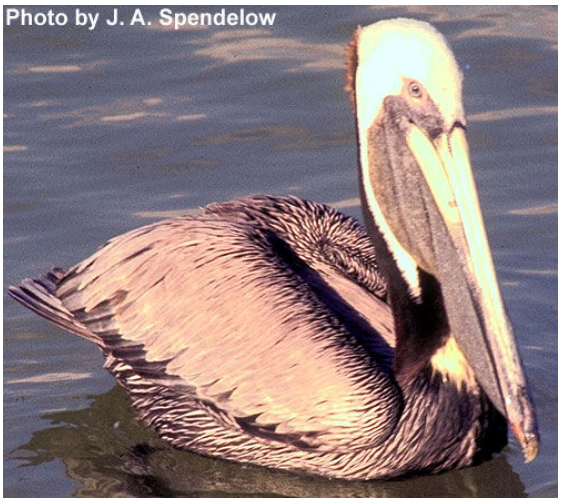
Site Photos

Proposed Building Location

Looking East of the Existing Parking Area

BROWN PELICAN (*Pelecanus occidentalis*) IDENTIFICATION AND AVOIDANCE SHEET

Training Material Prepared for the Bay Education Center,
Rockport, Texas



Species Identification Tips:

- Length: 41 inches Wingspan: 90 inches
- Sexes similar
- Large, dark bird
- Long, dark bill with a pouch, becomes yellow during breeding season
- Flies with neck tucked
- Plunges from great heights into water to catch fish
- Immature birds are dark brown overall, gradually acquiring adult plumage over three years
- Federally protected under the Endangered Species Act

- If a worker observes an injured brown pelican in the project vicinity, or if the presence of an injured brown pelican is otherwise brought to the applicant's attention, the on-site construction supervisor will be notified an all construction will cease within 500 feet of the pelican and the USFWS or TPWD game warden will be contacted to assist the injured bird.

http://en.wikipedia.org/wiki/File:Pelecanus_occidentalis.jpg

Points of Contact:

- On-site Construction Supervisor, Name: Phone No.
- United States Fish & Wildlife Service: 361-994-9005
- Texas Parks and Wildlife Department (TPWD), Region 4: 361-575-6306
- Contact the Sheriff if sighting occurs on the weekend (361-729-2000). Sheriff will contact Game Warden on duty.

BLACK SKIMMER (*Rynchops niger*) IDENTIFICATION AND AVOIDANCE SHEET

Training Material Prepared for the Bay Education Center,
Rockport, Texas

Species Identification Tips:

www.allaboutbirds.org

- Medium-sized waterbird.
- Length: 15.7 in – 19.7 in.
- Long red and black bill; lower half longer.
- Black back and cap.
- Underparts white.
- Very short red/orange legs.
- Long, pointed wings.
- Juveniles are similar to adults. Plumage is mottled with black and white back and head.
- Nest on the ground.
- Federally protected under the Migratory Bird Treaty Act

Juvenile Skimmer.
http://en.wikipedia.org/wiki/File:YoungSkimmer.jpg

Avoidance Measures:

- All personnel will not approach, disturb, or otherwise harass any nearby black skimmers.
- If a worker observes a nesting and/or injured black skimmer in the project vicinity, or if the presence of an injured black skimmer is otherwise brought to the applicant's attention, the on-site construction supervisor will be notified an all construction will cease within 500 feet of the skimmer and the USFWS or TPWD game warden will be contacted to assist the injured bird. ***Any nearby birds should be avoided to the extent practical during the construction of the Bay Education Center.**

Points of Contact:

- On-site Construction Supervisor, Name: Phone No.
- United States Fish & Wildlife Service: 361-994-9005
- Texas Parks and Wildlife Department (TPWD), Region 4: 361-575-6306
- Contact the Sheriff if sighting occurs on the weekend (361-729-2000). Sheriff will contact Game Warden on duty.

Black Skimmer Feeding.
http://en.wikipedia.org/wiki/File:SkimmerSkimming.JPG

Texas Coastal Management Program Concurrence Letter

Appendix C

Coastal Coordination Council

P.O. Box 12873 ♦ Austin, Texas 78711-2873 ♦ (800) 998-4GLO ♦ FAX (512) 475-0680

Chairman

Jerry Patterson
Texas Land Commissioner

♦

Members

Karen Hixon
Parks & Wildlife Commission of Texas

Jose Dodier
Texas State Soil & Water Conservation Board

Edward G. Vaughan
Texas Water Development Board

Ned Holmes
Texas Transportation Commission

Elizabeth Jones
Railroad Commission of Texas

H. S. Buddy Garcia
Texas Commission on Environmental Quality

Robert R. Stickney
Sea Grant College Program

Robert "Bob" Jones
Coastal Resident Representative

Jerry Mohn
Coastal Business Representative

George Deshotels
Coastal Government Representative

Bob McCan
Agriculture Representative

♦

Tammy Brooks
Council Secretary

Jesse Solis, Jr.
Permit Service Center
Corpus Christi
1-866-894-3578

Permit Service Center
Galveston
1-866-894-7664

October 23, 2009

Ms. Sally Morehead
Mission-Aransas NERR
The University of Texas at Austin
Marine Science Institute
750 Channel View Drive
Port Aransas Texas 78373

Re: **Mission-Aransas NERR Visitor Center**

Dear Ms. Morehead:

Based on information provided to the Texas Coastal Management Program (TCMP) on the above project, it has been determined that it will likely not have adverse impacts on coastal natural resource areas in the coastal zone and is consistent with the goals and policies of the TCMP.

If you have any questions or concerns, please contact me at (512) 463-9212 or at tammy.brooks@glo.state.tx.us.

Sincerely,

Tammy S. Brooks
Coastal Coordination Council Secretary
Texas General Land Office